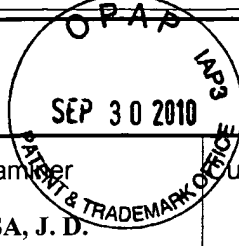


**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

Docket No. **66455-275-7**

In Re Application Of: **Elio POGGIAGLIOLMI et al.**



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/587,151	2/20/2007	MISA, J. D.	25269	3671	4994

Invention: **DEVICE FOR PICKING FRUIT**

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **3/30/2010** finally rejecting Claim(s) **24-29, 31-35, 57-61, 64 and 65**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: **\$270.00**

☐ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **04-2223**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

RICHARD H. TUSHIN, Reg.#27,297

Dated: **Sept. 30, 2010**

10/01/2010 AW0HDAF1 00000045 042223 10507151
01 FC:2401 270.00 DA

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

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